



Advocates for Workplace Fairness

October 18, 2022

Via ECF:

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: Lynn Richmond v. Montefiore Medical Center, Case No. 1:21-cv-08700

Dear Judge Gardephe:

We represent the Plaintiff, Lynn Richmond, in the above-referenced matter. Pursuant to Rules I(D) and I(E) of Your Honor's Individual Rules of Practice, we write to (I) request leave to conduct one deposition of a third-party witness after the close of discovery; and (II) seek an adjournment of the status conference scheduled for October 20, 2022.

I. Third-Party Deposition

The Parties' current deadline to complete fact discovery and depositions is October 21, 2022. On Wednesday, October 12, 2022, counsel for Plaintiff received an unsolicited email from an anonymous individual, listing over a dozen witnesses who may have relevant information relating to this matter. On Friday, October 14, Plaintiff noticed the depositions and served a subpoena for testimony on two of those witnesses, referred hereto as "Witness A" and "Witness B." Due to three scheduled depositions on October 19 and 21, Plaintiff was able to schedule Witness A's deposition on October 20. However, Witness B is not available until Monday, October 24, one business day after the close of discovery.

Based on the information provided by the anonymous source, Witness B made a complaint of discrimination against Dr. Ozuah, Defendant's President and CEO and the individual who terminated Plaintiff's employment, on September 23, 2022 to Christopher Panczner, Defendant's Chief Legal officer. Plaintiff deposed Mr. Panczner on September 20, three days earlier, who testified that Ms. Richmond and one other woman raised complaints of gender discrimination against Dr. Ozuah. Despite knowing, three days later, that another complaint had been raised, Defendant failed to disclose it or supplement its discovery responses. Therefore, when Plaintiff learned on her own of this additional complaint, she promptly notified Defendant of her intent to depose Witness B and served her subpoena.

Defendant's position on Plaintiff's request is as follows: Defendant disagrees with the characterization of events in the preceding paragraph. Montefiore further believes that the sought testimony from Witnesses A and B is an irrelevant fishing expedition coming very late in discovery. Nonetheless, Defendant does not oppose the one-day extension request as long as the subsequent deadline for submission of pre-summary judgment motion letters is similarly extended by one business day, to October 31.

Plaintiff does not oppose a one-day extension on any pre-summary judgment motion letters and requests that any opposition letters be submitted one week later on November 7. Plaintiff respectfully disagrees with Defendant's position that this is a late request or a fishing expedition as Defendant was aware of this complaint as of September 23 but failed to disclose it. Accordingly, Plaintiff respectfully requests leave of the Court to conduct the deposition of Witness B one business day after the close of discovery on October 24, 2022.

II. Adjournment of the Status Conference

Relatedly, due to scheduling the remaining depositions in the remaining time before the close of discovery (including the scheduling of Witness A on October 20th), Plaintiff respectfully requests a one-week adjournment of the status conference currently scheduled for October 20, 2022. Plaintiff respectfully submits that scheduling this conference after the close of discovery may be more efficient for all parties involved. Defendant consents to Plaintiff's request and both parties are available on October 27, 2022.

We thank the Court for its consideration of this matter.

Respectfully submitted,

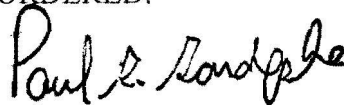
/s/ Nicholas H. Sikon
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MEMO ENDORSED:

cc: All Parties (via ECF)

Fact discovery is hereby extended to **October 24, 2022**. The deadline to submit pre-motion letters for dispositive motions is extended to **October 31, 2022**. Any opposition letters are now due **November 7, 2022**. The status conference scheduled for October 20, 2022, is adjourned to **October 27, 2022, at 9:30 a.m.**

SO ORDERED.



Paul G. Gardephe
United States District Judge
Dated: October 19, 2022